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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Evan H. Zucker

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EXAMINER

VEZERIS, JAMES A

ART UNIT

PAPER NUMBER

3693

NOTIFICATION DATE

DELIVERY MODE

03/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/798,212	Applicant(s) ZUCKER, EVAN H.	
	Examiner JAMES A. VEZERIS	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14-19, 40-42 and 64-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-19, 40-42, and 64-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Pre-Exam Formalities

1. Applicant's election with traverse of Group I, claims 1-7, 14-19, 20-26, 33-39, 40-42, and 64-67, in the reply filed on 12/02/2009 is acknowledged. The traversal is on the ground(s) that a) The office has not established that the inventions identified are either independent or distinct, and b) The examiner has not established that the search and examination of all the claims in the current application cannot be made without serious burden. This is not found persuasive because as shown in the restriction requirement the numerous steps of the subcombination are not necessary in the combination. Examiner would also like to point out that the restriction was for combination not subcombinations usable together as the applicant argues on page 4 of the response filed 12/2/2009. Further even though claims can be classified in the same class and subclass it does not mean a serious burden would not rest on the examiner, as field of search will be different for the extra limitations of the subcombination.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-7, 14-19, 20-26, 33-39, 40-42, and 64-67 are currently pending.

Response to Applicant's Arguments

3. Applicant's arguments filed 8/1/2008, in regard to the rejection of claims 1-19 under 35 U.S.C. 101, have been fully considered but they are not persuasive.

“For computer implemented processes, the “machine” is often disclosed as a general purpose computer. In these cases, the general purpose computer may be sufficiently

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“particular” when programmed to perform the process steps. Such programming creates a new machine because a general purpose computer, in effect, becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. To qualify as a particular machine under the test, the claim must clearly convey that the computer is programmed to perform the steps of the method because such programming, in effect, creates a special purpose computer limited to the use of the particularly claimed combination of elements (i.e., the programmed instructions) performing the particularly claimed combination of functions.”

As such, applicant must show that the computer is *programmed* to perform the steps of the method, and the steps of the method alone.

(http://www.uspto.gov/web/offices/pac/dapp/opla/2009-08-25_interim_101_instructions.pdf)

4. Applicant’s arguments, see page 25, filed 8/1/2008, with respect to claims 19 and 38 being rejected under 35 U.S.C. 112 2nd paragraph have been fully considered and are persuasive. The rejection of claims 19 and 28 has been withdrawn.

5. Applicant’s arguments, see page 25, filed 8/1/2008, with respect to claims 1, 8, 11, 20, 27, and 30 being rejected under 35 U.S.C. 112 2nd paragraph have been fully considered and are persuasive. The rejection of claims 19 and 28 has been withdrawn.

6. Applicant’s arguments, see pages 25-29, filed 8/1/208, with respect to the rejection(s) of claim(s) 1-38 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Roberts and “Vesting and Finance Issues Related to Tax-Deferred Exchanges Under IRC § 1031” by Todd R. Pajonas. (Hereinafter “Pajonas”)

Claim Rejections- 35 U.S.C 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7, 14-19, 40-42, and 64-67 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant must show that the computer is *programmed* to perform the steps of the method. A simple statement of a generic computer performing a method steps does not allow a claim to overcome a 101 statutory bar.

Claim Objections

8. Claims 18 and 64-67 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims depend from claims numbered higher than them. Also, claims 64-67 depend on restricted claim 68.

Claim Rejections- 35 U.S.C. 112 2nd Paragraph

9. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is ambiguity in the body of the claim, "...shares in a real estate investment trust other than the entity of claim 36, units in a real estate investment

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trust other than the entity of claim 36...” It is ambiguous and unclear to claim segments of prior claims in the body of a dependent claim. Correction is required.

10. Claims 1-7, 14-19, 20-26, 33-39, 40-42, and 64-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what leasing in a computer system means. In the independent claims it is unclear how “transferring” “receiving” and “exchanging” occur in a computer system.

11. The claim limitation “means for transferring/exchanging/receiving” uses the phrase “means for” or “step for”, but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because it is unclear what the structure is.

If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that the phrase “means for” or “step for” is clearly **not** modified by sufficient structure, material, or acts for performing the claimed function.

If applicant does **not** wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that it will clearly not be a means (or step) plus function limitation (e.g., deleting the phrase “means for” or “step for”).

Claim Rejections- 35 U.S.C 103(a)

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-7, 14-19, 40-42, and 64-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Vesting and Finance Issues Related to Tax-Deferred Exchanges Under IRC § 1031” by Todd R. Pajonas. (Hereinafter “Pajonas”) in view of US PG-Pub 2002/0013750 A1 to Roberts et al. (Hereinafter “Roberts”)

Regarding Claim 1.

Pajonas teaches a computer implemented method for performing a tax-deferred transaction involving an investor owning a relinquished property, the method comprising the steps of:

transferring in the computer system, said replacement property to an operating partnership wherein said operating partnership comprises operating partnership units; (Real Estate Investment Trust)

receiving in the computer system, said operating partnership units in exchange for said replacement property, in accordance with the requirements of Section 721 of the Internal Revenue Code. (Real Estate Investment Trust)

Pajonas fails to further teach exchanging in a computer system, said relinquished property for a replacement property, in accordance with the requirements of Section 1031 of the Internal Revenue Code;

Roberts teaches exchanging in a computer system, said relinquished property for a replacement property, in accordance with the requirements of Section 1031 of the Internal Revenue Code; (Figure 1, Paragraph 38 IRC 1031)

It would have been obvious to one of ordinary skill in the art to include exchanging in a computer system, said relinquished property for a replacement property, in accordance with the requirements of Section 1031 of the Internal Revenue Code in the method of Pajonasas taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Examiner notes that the steps given in Real Estate Investment Trust are in accordance with Section 721 of the IRC.

Regarding Claim 2.

Pajones further teaches wherein the operating partnership owns or controls an interest in the replacement property and wherein the step of exchanging in a computer system, said relinquished property for a replacement property includes the step of:

exchanging in the computer system, said relinquished property for said interest in said replacement property. (Real Estate Investment Trust)

Regarding Claim 3.

Pajones further teaches wherein the step of transferring in the computer system, said replacement property to an operating partnership includes the step of:

providing to the operating partnership in the computer system, an option to purchase said replacement property at a predetermined price and during a predetermined range of time or at a predetermined time. (Real Estate Investment Trust)

Regarding Claim 4.

Pajones fails to further teach wherein the step of transferring in the computer system, said replacement property to an operating partnership includes the step of:

leasing in the computer system, said replacement property to said operating partnership.

Roberts teaches leasing in the computer system, said replacement property to said operating partnership. (Fig 2 and 3)

It would have been obvious to one of ordinary skill in the art to include leasing in the computer system, said replacement property to said operating partnership in the method of Pajonasas taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 5.

Pajones further teaches:

providing to the operating partnership in the computer system, a right to purchase the replacement property. (Real Estate Investment Trust)

Regarding Claim 6.

Pajones fails to further teach:

calculating in the computer system, lease payments for said replacement property based on comparable property leasing rates.

Roberts teaches calculating in the computer system, lease payments for said replacement property based on comparable property leasing rates. (Fig 2 and 3)

It would have been obvious to one of ordinary skill in the art to include calculating in the computer system, lease payments for said replacement property based on comparable property leasing rates in the method of Pajonaras taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 7.

Pajones fails to further teach said step of leasing is according to lease conditions and said lease conditions include a lease term of no more than eighty-percent of the useful life of the replacement property such that the value of the replacement property at the end of said lease term is not less than twenty-percent of the original cost of the replacement property.

Roberts teaches said step of leasing is according to lease conditions and said lease conditions include a lease term of no more than eighty-percent of the useful life of the replacement property such that the value of the replacement property at the end of

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said lease term is not less than twenty-percent of the original cost of the replacement property. (Fig 2 and 3)

It would have been obvious to one of ordinary skill in the art to include said step of leasing is according to lease conditions and said lease conditions include a lease term of no more than eighty-percent of the useful life of the replacement property such that the value of the replacement property at the end of said lease term is not less than twenty-percent of the original cost of the replacement property in the method of Pajonatas taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 14.

Pajones further teaches an entity comprising one of a trust or corporation, said entity having shares, and said entity being a general partner in said operating partnership, wherein said operating partnership units are valued based on the value of said shares of said entity. (Real Estate Investment Trust, Examiner notes it is inherent in UPREITS that values are based on the value of shares)

Regarding Claim 15.

Pajones further teaches an entity comprising one of a trust or corporation, said entity being a general partner in said operating partnership, said method further comprising the step of:

redeeming in the computer system, at least some of said exchanged operating

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partnership units for cash. (Real Estate Investment Trust, Examiner notes operating partnerships in UPREITS inherently are exchangeable for cash)

Regarding Claim 16.

The method of claim 1, further comprising an entity comprising one of a trust or corporation, said entity having shares, and said entity being a general partner in said operating partnership, said method further comprising the step of:

redeeming in the computer system, at least some of said exchanged operating partnership units for said shares in said entity. (Real Estate Investment Trust)

Regarding Claim 17.

Pajones further teaches said entity is a real estate investment trust. (Real Estate Investment Trust)

Regarding Claim 18.

Pajones further teaches wherein said operating partnership owns a plurality of assets. (Real Estate Investment Trust- Examiner notes UPREITS inherently own multiple properties)

Regarding Claim 19.

Pajones further teaches wherein the entity of claim 17 comprises real estate investment trust units, wherein said operating partnership is a first operating partnership owning a plurality of assets, and wherein said plurality of assets includes one or more assets selected from the group including real property, interests in real property, shares in a real estate investment trust other than the entity of claim 17, units in a real estate investment trust other than the entity of claim 17, units in mortgages, and units in at

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least a second operating partnership, wherein said second operating partnership is different from said first operating partnership. (Real Estate Investment Trust)

Regarding Claim 20.

Pajones teaches a computer system for performing a tax-deferred transaction involving an investor owning a relinquished property, the system comprising:

means for transferring said replacement property to an operating partnership wherein said operating partnership comprises operating partnership units; (Real Estate Investment Trust)

means for receiving said operating partnership units in exchange for said replacement property, in accordance with the requirements of Section 721 of the Internal Revenue Code. (Real Estate Investment Trust)

Pajones fails to further teach means for exchanging said relinquished property for a replacement property, in accordance with the requirements of Section 1031 of the Internal Revenue Code; (Figure 1, Paragraph 38 IRC 1031)

Roberts teaches means for exchanging said relinquished property for a replacement property, in accordance with the requirements of Section 1031 of the Internal Revenue Code; (Figure 1, Paragraph 38 IRC 1031)

It would have been obvious to one of ordinary skill in the art to include exchanging in a computer system, said relinquished property for a replacement property, in accordance with the requirements of Section 1031 of the Internal Revenue Code in the method of Pajonasas taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely

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would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 21.

Pajones further teaches wherein the operating partnership owns or controls an interest in the replacement property and wherein said relinquished property is exchanged for said interest in said replacement property. (Real Estate Investment Trust)

Regarding Claim 22.

Pajones further teaches wherein said means for transferring said replacement property to an operating partnership includes means for providing to the operating partnership an option to purchase said replacement property at a predetermined price and during a predetermined range of time or at a predetermined time. (Real Estate Investment Trust)

Regarding Claim 23.

Pajones fails to further teach wherein said replacement property is leased to said operating partnership.

Roberts teaches said replacement property is leased to said operating partnership. (Fig 2 and 3)

It would have been obvious to one of ordinary skill in the art to include said replacement property is leased to said operating partnership in the method of Pajonasas taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same

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function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 24.

Pajones further teaches wherein the operating partnership receives a right to purchase the replacement property. (Real Estate Investment Trust)

Regarding Claim 25.

Pajones fails to further teach wherein lease payments for said replacement property is calculated based on comparable property leasing rates.

Roberts teaches wherein lease payments for said replacement property is calculated based on comparable property leasing rates. (Fig 2 and 3)

It would have been obvious to one of ordinary skill in the art to include wherein lease payments for said replacement property is calculated based on comparable property leasing rates in the method of Pajonaras taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 26.

Pajones fails to further teach wherein said replacement property is leased according to lease conditions and said lease conditions include a lease term of no more than eighty-percent of the useful life of the replacement property such that the value of

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the replacement property at the end of said lease term is not less than twenty-percent of the original cost of the replacement property.

Roberts teaches wherein said replacement property is leased according to lease conditions and said lease conditions include a lease term of no more than eighty-percent of the useful life of the replacement property such that the value of the replacement property at the end of said lease term is not less than twenty-percent of the original cost of the replacement property. (Fig 2 and 3)

It would have been obvious to one of ordinary skill in the art to include wherein said replacement property is leased according to lease conditions and said lease conditions include a lease term of no more than eighty-percent of the useful life of the replacement property such that the value of the replacement property at the end of said lease term is not less than twenty-percent of the original cost of the replacement property in the method of Pajonaras taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 33.

Pajones further teaches comprising an entity comprising one of a trust or corporation, said entity having shares, and said trust being a general partner in said operating partnership, wherein said operating partnership units are valued based on the value of said shares of said entity. (Real Estate Investment Trust)

Regarding Claim 34.

Pajones further teaches comprising an entity comprising one of a trust or corporation, said entity being a general partner in said operating partnership, wherein at least some of said exchanged operating partnership units are redeemed for cash. (Real Estate Investment Trust)

Regarding Claim 35.

Pajones further teaches comprising an entity comprising one of a trust or corporation, said entity having shares, and said entity being a general partner in said operating partnership, wherein at least some of said exchanged operating partnership units are redeemed for said shares in said entity. (Real Estate Investment Trust)

Regarding Claim 36.

Pajones further teaches wherein said entity is a real estate investment trust.
(Real Estate Investment Trust)

Regarding Claim 37.

Pajones further teaches wherein said operating partnership owns a plurality of assets. (Real Estate Investment Trust)

Regarding Claim 38.

Pajones further teaches wherein the entity of claim 36 comprises real estate investment trust units, wherein said operating partnership is a first operating partnership owning a plurality of assets, and wherein said plurality of assets includes one or more assets selected from the group including real property, interest in real property, shares in a real estate investment trust other than the entity of claim 36, units in a real estate

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investment trust other than the entity of claim 36, mortgages, and units in a second operating partnership, wherein said second operating partnership is different from said first operating partnership. (Real Estate Investment Trust)

Regarding Claim 39.

Pajones further teaches wherein said predetermined price is a fair market value.
(Real Estate Investment Trust)

Regarding Claim 40.

Pajones teaches a computer implemented method for performing a tax-deferred transaction involving an operating partnership wherein said operating partnership comprises operating partnership units, the method comprising the steps of:

entering into an exercisable agreement to transfer said replacement property from said investor to said operating partnership in exchange for said operating partnership units, in accordance with the requirements of Section 721 of the Internal Revenue Code. (Real Estate Investment Trust)

Pajones fails to teach receiving a request for a replacement property from an investor owning a relinquished property;

identifying, through the operation of a computer system, at least one most suitable property from among a plurality of properties, in response to said request;

exchanging in said computer system, said relinquished property for said identified property, in accordance with the requirements of Section 1031 of the Internal Revenue Code, wherein said identified property is the replacement property;

Roberts teaches receiving a request for a replacement property from an investor owning a relinquished property; (Figure 1, Paragraph 38 IRC 1031)

identifying, through the operation of a computer system, at least one most suitable property from among a plurality of properties, in response to said request; (Figure 1, Paragraph 38 IRC 1031)

exchanging in said computer system, said relinquished property for said identified property, in accordance with the requirements of Section 1031 of the Internal Revenue Code, wherein said identified property is the replacement property; (Figure 1, Paragraph 38 IRC 1031)

It would have been obvious to one of ordinary skill in the art to include exchanging in a computer system, said relinquished property for a replacement property, in accordance with the requirements of Section 1031 of the Internal Revenue Code in the method of Pajonasas taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 41.

Pajones further teaches:

exercising said agreement to transfer said replacement property from said investor to said operating partnership in exchange for said operating partnership units, in accordance with the requirements of Section 721 of the Internal Revenue Code. (Real Estate Investment Trust)

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Regarding Claim 42.

Pajones fails to further teach:

leasing said replacement property from said investor.

Roberts teaches leasing said replacement property from said investor. (Fig 2 and 3)

It would have been obvious to one of ordinary skill in the art to include leasing said replacement property from said investor in the method of Pajonatas taught by Roberts since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 64.

Pajones further teaches further comprising an entity comprising one of a trust or corporation, said entity having shares, and said entity being a general partner in said operating partnership, wherein said operating partnership units are valued based on the value of said shares of said entity. (Real Estate Investment Trust)

Regarding Claim 65.

Pajones further teaches further comprising an entity comprising one of a trust or corporation, said entity being a general partner in said operating partnership, said method further comprising the step of:

paying cash to said investor for at least some of said exchanged operating partnership units. (Real Estate Investment Trust)

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Regarding Claim 66.

Pajones further teaches further comprising an entity comprising one of a trust or corporation, said entity having shares, and said entity being a general partner in said operating partnership, said method further comprising the step of:

providing said shares in said entity for at least some of said exchanged operating partnership units. (Real Estate Investment Trust)

Regarding Claim 67.

Pajones further teaches wherein said entity is a real estate investment trust.
(Real Estate Investment Trust)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. VEZERIS whose telephone number is (571)270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/JAMES A VEZERIS/
Examiner, Art Unit 3693

2/27/2010